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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,944

02/22/2006

Thorsten Zank

12810-00193-US

5346

23416

7590

07/01/2009

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EXAMINER

MCELWAIN, ELIZABETH F

ART UNIT

PAPER NUMBER

1638

MAIL DATE

DELIVERY MODE

07/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10566944	2/22/06	ZANK ET AL.	12810-00193-US

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EXAMINER

Elizabeth F.. McElwain

ART UNIT	PAPER
1638	20090629

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See the attached letter with one month time period for response.

Art Unit: 1638

1. The reply filed on April 15, 2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): it is noted that applicants have elected Group I, claims 1-11, and applicants have elected SEQ ID NO: 23 for the delta-6 desaturase activity and SEQ ID NO: 27 for the delta-6 elongase activity. However, the restriction required an election of a SEQ ID NO for each enzyme activity that is part of the invention. The claims also set forth multiple SEQ ID Nos for delta-5 desaturases, delta-5 elongases, delta-4 desaturases (claim 2), omega-3 desaturases (claim 3) and delta-12 desaturases (claim 4). Applicant is required to elect a SEQ ID NO for each enzyme activity set forth in the claims. The Examiner regrets if the restriction requirement was not sufficiently clear on this point. The requirement is based on an undue burden for search of all of the sequences set forth in the claims. Upon determination of allowable subject matter rejoinder of non-elected sequences will be reconsidered. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth F. McElwain whose telephone number is (571) 272-0802. The examiner can normally be reached on increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1638

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFM

/Elizabeth F. McElwain/
Primary Examiner, Art Unit 1638